THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :19888 of 2007

DATED:26-10-2007

BETWEEN:

Atchi Bhagavan Reddy.

..... PETITIONER

AND

The District Collector,
Visakhapatnam,
Visakhapatnam District & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the inaction of the respondents in not passing orders on the application of the petitioner, dated 16-12-2003, to alienate Ac.5.00 of dry land in S.No.346/6 in Madhurawada village, Chinagadili mandal, Visakhapatnam District assigned in his favour on 08-06-1979 i.e., 28 years ago as illegal, and arbitrary.

3. It is the case of the petitioner that he is an Ex-Serviceman and pursuant to his application for assignment of the land of an extent of Ac.5.00 dry land in Sy.No.346/6 situated in Madhurawada village, Chinagagili mandal, Visakhapatnam District, D-form patta was granted in his favour on 08-06-1979 in Rc.No.212/79 by the then Tahsildar, Visakhapatnam. It is stated that the pattadar pass books and title deeds have also been issued in favour of the petitioner and as he could not perform the marriage of his daughter and as his health was deteriorating he has applied to the 1st respondent-District Collector, Visakhapatnam to permit him to alienate the assigned land in favour of the Ex-Servicemen as per the orders of the Government issued from time to time.

4. It is further stated that as per the orders of the Government issued from time to time the assigned lands in favour of the Ex-

Servicemen can be permitted to be alienated after expiry of ten years. Accordingly, the 1st respondent vide his proceedings in Rc.No.1528/03/E1, dated 20-04-2003, addressed a letter to the 3rd respondent-Mandal Revenue Officer, Chinagadili mandal (Rural) to verify the bonafide of the D-form patta issued in favour of the petitioner and whether the title deeds, pattadar pass books have been issued in favour of the petitioner were effected in the village appeals and to send a factual report. It is stated that thereafter petitioner also made a representation but the same has not been considered and disposed of so far.

5. Having regard to the facts and circumstances of the case, Writ Petition is disposed of directing the 1st respondent-District Collector, Visakhapatnam, to consider and dispose of the proceedings in Rc.No.1528/2003/E1, dated 20-04-2003, whether to grant permission in favour of the petitioner to alienate the assigned land or not by taking appropriate decision within six weeks from the date of receipt of a copy of this order in accordance with law. There shall be no order as to costs.

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V.ESWARAIAH,J

26th October, 2007.
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